

AO 91 (Rev. 02/09) Criminal Complaint

United States District Court
for the
Western District of New York

United States of America)	
)	
v.)	Case No. 24-MJ-599
)	
RAYMUNDO CASTILLO-REYES)	
<hr/>		
<i>Defendant</i>		

CRIMINAL COMPLAINT

I, Justen J. Silva, Border Patrol Agent, United States Border Patrol, state that the following is true to the best of my knowledge and belief.

On or about September 29, 2024 in the county of Schuyler in the Western District of New York, the defendant violated 8 U.S.C. § 1326(a), an offense described as follows:

the defendant did commit the offense of unlawful re-entry after deportation or removal, in violation of 8 U.S.C. § 1326(a), in that he, a citizen and national of Mexico, having been issued an Order of Removal from the United States to Mexico on March 28, 2012, and physically removed from the United States to Mexico on or about March 30, 2012, was thereafter unlawfully found in the United States on September 29, 2024, without first having obtained the consent of the Attorney General, or his successor, the Secretary of the Department of Homeland Security.

This criminal complaint is based on these facts:

X Continued on the attached sheet.

Please see attached affidavit



Complainant's Signature
Justen J. Silva, BPA USBP

Printed name and title

Affidavit submitted by email/pdf and attested to me as true and accurate by telephone consistent with Fed.R.Crim. P. 4.1 and 4(d) before me this 7th day of October, 2024.

Date: October 7, 2024



Judge's signature

City and State: Rochester, New York

Hon. Mark W. Pedersen, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

STATE OF NEW YORK)
COUNTY OF MONROE) ss.:
CITY OF ROCHESTER)

Justen J. Silva, being duly sworn, deposes and says that:

1. I am a Border Patrol Agent with the United States Border Patrol in Rochester, New York. I have been employed with the United States Border Patrol for over four years.

2. As part of my duties during my employment with the United States Border Patrol, I have investigated violations of the Immigration and Nationality Act and violations of the United States Code, particularly Title 8, United States Code, Section 1326 (Re-entry of Removed Aliens).

3. The information contained in this affidavit is based upon my personal knowledge and observations, my training and experience, conversations with other law enforcement officers and witnesses, and my review of documents, reports, and records gathered through the investigation of this case.

4. I make this affidavit in support of the annexed criminal complaint charging Raymundo CASTILLO-REYES with a violation of Title 8, United States Code, Section 1326 (Re-entry of Removed Aliens).

5. Since this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to demonstrate that Title 8, United States Code, Section 1326 has been violated.

PROBABLE CAUSE

6. On September 29, 2024, the Watkins Glenn Police Department contacted the Rochester Border Patrol Station to inform them that an individual who had an immigration detainer in place was being released from custody. The individual was identified as CASTILLO-REYES. Border Patrol Agent Christian Montanez was dispatched to the Schuyler County Sheriff's Office in full rough duty Border Patrol uniform.

7. Agent Montanez arrived at the sheriff's office and identified himself as a Border Patrol Agent to CASTILLO-REYES. Agent Montanez conducted record checks through Buffalo Sector Communications. An immigration record check on CASTILLO-REYES confirmed him as an individual who has previously been deported from the United States. Agent Montanez asked CASTILLO-REYES if this was his true and correct name. CASTILLO-REYES confirmed his identity. Agent Montanez placed the Defendant under arrest and transported him to the Rochester Border Patrol Station for further investigation and processing.

8. While at the Border Patrol Station, CASTILLO-REYES' fingerprints were taken to further confirm his identity. Record checks associated with his fingerprints positively reflected him being a citizen and national of Mexico with previous immigration encounters.

9. A query of immigration and criminal databases contained in the Alien Registration file ("A-file") for CASTILLO-REYES revealed the following facts:

- a. CASTILLO-REYES is a citizen of Mexico.
- b. On March 30, 2012, CASTILLO-REYES was deported from the United States through Calexico, California. This was subsequent to a final order of Removal issued by an Immigration Judge issued on March 28, 2012.
- c. On March 4, 2021, CASTILLO-REYES was found guilty of Contempt to Violate a Domestic Order in Lakewood Township, New Jersey. On August 2,

2021, CASTILLO-REYES was found guilty of Simple Assault in Lakewood Township, New Jersey.

10. There is no evidence that CASTILLO-REYES received any authorization or approval from either the Attorney General of the United States or the Secretary of the Department of Homeland Security to re-enter the United States after his last removal.

CONCLUSION

11. Wherefore, it is respectfully submitted that probable cause exists to believe that CASTILLO-REYES did commit the offense of unlawful re-entry after deportation or removal, in violation of 8 U.S.C. § 1326(a), in that he, a citizen and national of Mexico, having been issued an Order of Removal from the United States to Mexico on March 28, 2012, and physically removed from the United States to Mexico on or about March 30, 2012, was thereafter unlawfully found in the United States on September 29, 2024, without first having obtained the consent of the Attorney General, or his successor, the Secretary of the Department of Homeland Security.

12. Since Raymundo CASTILLO-REYES is being prosecuted for 8 USC 1326, a mandatory Consular Notification was sent via fax mail.


Justen J. Silva
Border Patrol Agent
United States Border Patrol

Re: 24-MJ-599

Affidavit submitted electronically by email in .pdf format. Oath administered and contents and signature attested to me as true and accurate telephonically pursuant to Fed. R. Crim. P. 4.1 and 4(d) on this ____ day of October, 2024.

A handwritten signature in blue ink, appearing to read "Mark W. Pedersen", written in a cursive style.

HON. MARK W. PEDERSEN
UNITED STATES MAGISTRATE JUDGE